

REMARKS

In the Office Action, the Examiner has indicated that claims 1, 15, 17, and 49-59 are allowed. The Examiner has rejected claims 2-7, 9-14, 16, and 44-48 under 35 USC §102. Claims 1, 15-17, and 57 have been objected to. These objections and rejections are fully traversed below. Applicant has amended the claims to correct various typographical errors as identified by the Examiner. For example, with respect to claims 44-48, Applicant has amended the claims to clarify that Applicant does not intend to redefine the term “located.”

Applicant acknowledges that claims 18-43 have been withdrawn from consideration due to the previous restriction requirement. Claims 1-7, 9-17, and 44-59 remain pending. Applicant respectfully asserts that each of the pending claims is now allowable.

Reconsideration of the application is respectfully requested based on the following remarks.

REJECTION OF CLAIMS UNDER 35 USC §103

In the Office Action, the Examiner rejected claims 15 and 17 under 35 U.S.C. 103(a) as being unpatentable over Heller et al, U.S. Publication No. 2002/0147837, (‘Heller’ hereinafter) in view of Zhang, U.S. Patent No. 6,810,259, (‘Zhang’ hereinafter).

Heller discloses proxy mobile node capability for Mobile IP. See title. Heller discloses receiving a link layer message from a mobile node. Mobile IP information is then obtained from a database based on the identity of the mobile node. This information includes an IP address for each of the MN, FA and HA plus other information needed to perform the mobile IP registration. A registration request is then sent on behalf of the mobile node. See paragraph [0018].

In the recent rejection, the Examiner asserts that Heller provides the teaching of the claimed “access point information.” The access point information as claimed identifies an

access point subnet and a gateway. The Examiner asserts that “a base station, i.e. an access point, receives a link layer message, i.e., a data packet, and uses the identity of the MN, i.e. access point subnet (since the address of the MN includes the subnet address of its home access point subnet...to determine whether to send a registration request on behalf of the node to the node’s HA and where the HA is a gateway, as shown in Fig. 3).”

While it may be possible to ascertain the home access point subnet from the address of the MN, it is important to note that a data packet received from a node does not identify a Home Agent. The Examiner admits that Heller fails to specify how the database obtains the stored information. As a result, Heller fails to disclose or suggest receiving information from another access point.

The Examiner admits that Heller fails to disclose or suggest “receiving access point information from a second access point” or “storing the access point information such that a list of active access points is updated to include the access point information, the list of active access points including access point information associated with one or more active access points.” Similarly, the Examiner admits that Heller fails to disclose or suggest “sending the access point information to a third access point that supports Mobile IP to notify the third access point that the second access point is an active access point, thereby enabling the third access point to perform the registration.”

The Examiner asserts that claims 2-7, 9-14, and 16 recite an intended use of the invention. Applicant respectfully traverses these assertions. These claims, as amended, are directed to an apparatus that is configured to perform specific functions. Since the prior art is incapable of performing these specific functions, Applicant respectfully asserts that the pending claims are patentable over Heller.

In view of the above, Applicants respectfully submit that the independent claims are patentable over the cited art. The dependent claims depend from one of the independent claims and are therefore patentable for at least the same reasons. However, the dependent claims recite additional limitations that further distinguish them from the cited reference. The additional limitations recited in the independent claims or the dependent claims are not further discussed, as the above discussed limitations are clearly sufficient to distinguish the claimed invention from the cited reference. Thus, it is respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC §102. Accordingly, Applicant respectfully submits that the pending claims are patentable over the cited art.

SUMMARY

An early Notice of Allowance is earnestly solicited. If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. CISC263).

Respectfully submitted,
BEYER WEAVER LLP

/Elise R. Heilbrunn/
Elise R. Heilbrunn
Reg. No. 42,649

PO Box 70250
Oakland, CA 94612-0250
(510) 663-1100